

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jay S. Walker et al.

For: SYSTEM AND METHOD FOR
ENCOURAGING COMPETITIVE
PARTICIPATION IN AN AUCTION

Serial No.: 09/223,901

Filing Date: December 31, 1998

)
)
) Examiner: Not Yet Assigned
)
)

) Group Art Unit: 2784
)

) Docket No.: WD2-98-084

RECEIVED

APR 20 1999

Group 2700

Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed below and on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider these items and to independently ascertain their teaching.

- A. U.S. Patent No. 4,789,928 entitled "AUCTION INFORMATION TRANSMISSION PROCESSING", issued to Masataka Fujisaki on December 6, 1988.
- B. U.S. Patent No. 4,799,156 entitled "INTERACTIVE MARKET MANAGEMENT SYSTEM", issued to Eyal Shavit et al. on January 17, 1989.
- C. U.S. Patent No. 4,903,201 entitled "AUTOMATED FUTURES TRADING EXCHANGE", issued to Susan W. Wagner on February 20, 1990.
- D. U.S. Patent No. 5,025,372 entitled "SYSTEM AND METHOD FOR ADMINISTRATION OF INCENTIVE AWARD PROGRAM THROUGH USE OF CREDIT", issued to James F. Burton et al. on June 18, 1991.
- E. U.S. Patent No. 5,715,402 entitled "METHOD AND SYSTEM FOR MATCHING SELLERS AND BUYERS OF SPOT METALS", issued to Carl A. Popolo on February 3, 1998.
- F. U.S. Patent No. 5,794,210 entitled "ATTENTION BROKERAGE", issued to A. Nathaniel Goldhaber et al. on August 11, 1998.
- G. U.S. Patent No. 5,794, 219 entitled "METHOD OF CONDUCTING AN ON-LINE AUCTION WITH BID POOLING", issued to Stephen J. Brown on August 11, 1998.
- H. U.S. Patent No. 5,826,244 entitled "METHOD AND SYSTEM FOR PROVIDING A DOCUMENT SERVICE OVER A COMPUTER NETWORK USING AN AUTOMATED BROKERED AUCTION", issued to Bernardo A. Huberman on October 20, 1998.
- I. U.S. Patent No. 5,835,896 entitled "METHOD AND SYSTEM FOR PROCESSING AND TRANSMITTING ELECTRONIC AUCTION INFORMATION", issued to Alan S. Fisher et al. on November 10, 1998.
- J. PCT Application No. WO 98/26363 issued to Cantor Fitzgerald Securities and published on June 18, 1998.

- K. PCT Application No. WO 98/34187 issued to Autocom APS and published on August 6, 1998.
- L. NETIS and Gilmore auctions, (<http://www.auctionweb.com>), 8 pages downloaded on October 13, 1998.
- M. "ebay – Frequently Asked Questions", (<http://pages.ebay.com>), 16 pages downloaded on October 14, 1998.
- N. "Locate Quality Used Cars By", ONSALE Website, (<http://www.onsale.com>), 17 pages downloaded on October 14 and 15, 1998.
- O. "DealDeal.com – The Best Auction Deals on the ...", (<http://www.dealdeal.com>), 2 pages downloaded on October 29, 1998.
- P. "Going Going...", OpenSite Technologies, Inc. Brochure, 8 pages, undated.

1. ☐ Any copy of the items listed above and on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior ☐ Continuation, ☐ Divisional or ☐ Continuation in part application filed under 37 C.F.R. §§ 1.53 or 1.60, U.S. Serial No. _____, filed _____.
2. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): _____.
3. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): _____.
4. ☐ In addition to the citations listed above, applicants respectfully direct the Examiner's attention to the following U.S. patent applications, which are commonly assigned to the assignee of the instant application, and which may be deemed pertinent to the instant application:

<u>Serial No.</u>	<u>Inventors</u>	<u>Filing Date</u>	<u>Group Art Unit</u>	<u>Examiner's Init.</u>
-------------------	------------------	--------------------	-----------------------	-------------------------

The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. These applications have not been listed on the accompanying Form PTO-1449 in order to preserve their secrecy during the course of their prosecution.

5. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
- ☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
- ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
- ☒ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.

6. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below.
7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 11 below.
8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below; and
 - b. the attached petition requesting consideration of this Information Disclosure Statement; and
 - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 11 below.
9. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
- ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
 - ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
 - ☐ The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 11 below.

10. ☐ I hereby certify:

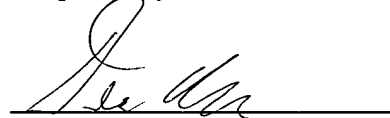
- ☐ that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.
- ☐ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

11. ☐ Please accept payment of the fees due as indicated below:

- ☐ A check in the amount of \$240.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).
- ☐ The Commissioner is hereby authorized to charge \$240.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p). A duplicate copy of this sheet is attached for such purpose
- ☐ A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).
- ☐ The Commissioner is authorized to charge \$130.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1). A duplicate copy of this sheet is attached.

12. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

Respectfully submitted,



Dean Alderucci
Attorney for Applicants
PTO Reg. No. 40,484
Walker Digital Corporation
Five High Ridge Park
Stamford, CT 06905
(203) 705-3061
(203) 595-8266 (fax)

April 14, 1999

Date